

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

HAROLD ALEXANDER FOWLKES,

Plaintiff,

v.

**OTSUKA AMERICA
PHARMACEUTICAL, INC.,**

Defendant.

Case No. 3:16-cv-658-SI

**ORDER APPROVING SETTLEMENT
AGREEMENT**

Dana L. Sullivan and Matthew Scherer, BUCHANAN ANGELI ALTSCHUL & SULLIVAN LLP,
321 S.W. Fourth Avenue, Suite 600, Portland, OR 97204. Of Attorneys for Plaintiff.

Amy Joseph Pedersen, Laura E. Rosenbaum, and Ryan S. Kunkel, STOEL RIVES LLP,
760 S.W. Fifth Avenue, Suite 2600, Portland, OR 97205; and John R. Ates, ATES LAW FIRM,
P.C., 1800 Diagonal Road, Suite 600, Alexandria, VA 22314. Of Attorneys for Defendant.

Michael H. Simon, District Judge.

Plaintiff, Harold Alexander Fowlkes, brought this suit alleging, among other claims,
failure to pay overtime in violation of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201
et. seq. The parties have reached a confidential settlement agreement and have filed a joint
motion asking the Court to approve their settlement and dismiss this action. ECF 14.

Generally, an employee may not waive or bargain away his or her rights under the FLSA. *Brooklyn Sav. Bank v. O'Neil*, 324 U.S. 697, 706 (1945). Therefore, “FLSA claims may not be settled without approval of either the Secretary of Labor or a district court.” *Seminiano v. Xyris Enter., Inc.*, 602 F. App’x 682, 683 (9th Cir. 2015) (citing *Nall v. Mal–Motels, Inc.*, 723 F.3d 1304, 1306 (11th Cir. 2013)). A district court may approve settlement of a FLSA claim “after scrutinizing the settlement for fairness.” *Nall*, 723 F.3d at 1306 (quoting *Lynn’s Food Stores, Inc. v. U.S. By & Through U.S. Dep’t of Labor, Emp’t Standards Admin., Wage & Hour Div.*, 679 F.2d 1350, 1353 (11th Cir. 1982)). A district court may approve an agreement only upon finding that it is “a fair and reasonable resolution of a bona fide dispute over FLSA provisions.” *Id.* at 1355.

The Court has reviewed the parties’ confidential settlement agreement, filed under seal. ECF 17. The Court also notes that both sides are represented by capable counsel with extensive experience in the areas alleged in the Complaint.

The Court GRANTS the parties’ Joint Motion for Stipulated Dismissal and Court Approval of Settlement Agreement (ECF 14). Judgment will be entered accordingly.

IT IS SO ORDERED.

DATED this 8th day of August, 2016.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge